

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GLESTER ELVEY,

Plaintiff,

-against-

MEMORANDUM AND ORDER

Case No. 18-CV-126 (FB) (VMS)

SILVER’S CRUST WEST INDIAN
RESTAURANT AND GRILL, INC., and
CONRAD MCGREGOR,

Defendants.

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BLOCK, Senior District Judge:

Magistrate Judge Scanlon issued a Report and Recommendation (“R&R”) recommending that a default judgment be entered against the defendants in the amount of \$95,836.32 plus prejudgment interest. The R&R warned that “[f]ailure to file objections within the specified time waives the right to appeal.” R&R at 34. The Court then entered an order setting August 15, 2019, as the deadline for objections. Both the R&R and the Court’s order were served on the defendants at various addresses, including the addresses on file with the New York State Division of Corporations. No objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*,

313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will, however, excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R, so the Court adopts it without de novo review. Accordingly, the Clerk shall enter judgment in favor of the plaintiff and against the defendants, jointly and severally, in the amount of \$95,836.32 plus \$11.10 in prejudgment interest for every day between November 26, 2014, and the entry of judgment.

SO ORDERED.

/s/Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
August 19, 2019